

REMARKS

Claims 1, 3-11 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Dougherty et al., U.S. Patent no. 5,737,025; hereinafter Dougherty.

Claim 1 is amended to emphasize and clarify that the separate ancillary television signals provide a separate television show segment. The examiner seems to understand this but the examiner's remarks sometimes refers only to ancillary data. This amendment is made so the issues are understood. The method as claimed in Claim 1 calls for a system for nonlinear viewing of television segments. It is therefore clear we are discussing and claiming the handling of television segments. We have previously stated and claimed in claim 1 that the ancillary signals are television signals and that the separate ancillary television signals are provided to the display. A television signal includes the whole composite signal including both a video signals and audio signals. The separate ancillary television signals provide a whole separate television segment to the display. As stated in the background of the invention, it is highly desirable to enable a viewer to receive a lot of the program material that is usually edited out for time or interest concerns. Video On- Demand systems require significant dedicated bandwidth and server resources to send the selected segments. The receiver storage of high amounts of television and other media content requires huge storage requirements. Also, broadcasters are faced with the high cost of installing High Definition Television Broadcast Equipment with an unknown number of customers willing to pay for the cost for High Definition Television sets. It is desirable to provide other ways of attracting more viewers. In accordance with one embodiment of the present invention, a system for selective segment reception of broadcast television and/or caching television content is provided wherein at a given television channel

frequency, a main signal is provided and separate television ancillary signal, including a television show segment is provided and the receiver system can either store or provide the ancillary television signals including a television show segment out of the television receiver to the television display.

Applicant's claim 1 calls for: "A system for nonlinear viewing of television segments comprising:

a television broadcast transmitter including means for generating and transmitting main television signals and separate ancillary television signals with a separate television show segment related to said main television signals;

a television receiver system for receiving said main television signals and for receiving and storing in a cache memory the ancillary television signals including the separate television show segment; and

selective means at the television receiver for providing either the main television signals or the ancillary television signals with the separate television show segment to a display of said television receiver."

This system is not taught in the Dougherty reference. The Dougherty reference discloses ancillary code that is added to a composite video signal in its active video portion. The Dougherty reference is a system for transmitting data in the same communication channel as a composite video signal. The composite video signal is transmitted in a frequency band and has a horizontal sync period. A selecting means selects a carrier having a carrier frequency within the frequency band at the beginning of each stepping period. Each stepping period has a duration equal to or integer multiple of the horizontal sync period. A modulating means modulates the data onto the selected carrier to produce a modulated data signal. A combining means combines

the modulated data signal with the composite video signal. Fig. 1 illustrates a multi-level encoded signal monitoring system with a plurality of encoders 12-1, 12-2,...,12-N. Each encoder 12 may be located at a corresponding stage of distribution of a program signal and are designated as distribution point 1, distribution point 2,...,distribution point N. Each ancillary signal encoder adds a corresponding ancillary code into a corresponding segment of a unique multi-level identification information message of a composite video signal provided by a program source 14. A plurality of decoders 16 and 18 is associated with selected points of distribution of the composite video signal to decode the ancillary signal codes. The ancillary information is the codes illustrated in Figure 2. As stated on Col. 7, lines 47-51, "This ancillary code may be the data, such as the network ID or the local TV station ID, contained in any of the segments shown in Fig. 2 depending upon the level of distribution at which the encoder is located. The system of the reference provides an in-home television audience measurement system that has non-intrusive detection and decoding of both the ancillary code, which is present in the television signal at the time the television signal is received by the in-home audience measurement system and which is transmitted with a television signal in a co-channel mode, and the in-home code, which is inserted into the RF television signal by the in-home television measurement system.

② *See Abstract* This is completely different from that claimed by applicant and from that presented by the examiner in the rejection. The examiner states that Program source 14, encoder 12-1, and encoder 12-2 in Fig.1 teach transmitting separate ancillary television signals. It does not. The use of the word television signal refers to the composite video and audio to display a television show or program. This is not taught or suggested in Dougherty. There is only the one television composite signal in the Dougherty reference. The ancillary signal is a data code and certainly not separate ancillary television signal with the separate television show segment as claimed by

applicant. The Dougherty reference teaches an ancillary code such as a local data code and not a separate ancillary television signal with the separate television show segment as claimed by applicant.. Claim 1 further calls for, "a television receiver system for receiving said main television signals and for receiving and storing in a cache memory the ancillary television signals with the separate television show segment." There is no storing in a cache memory any ancillary

television signals in the Dougherty reference or any ancillary television signals with the separate television show segment. Still further, there is no "selective means at the television receiver for providing either the main television signals or the ancillary television signals with the separate television show segment to a display of said television receiver." There is no suggestion in Dougherty how to store or otherwise handle a separate auxiliary television signal. Dougherty

does not teach a selective means for providing the main signal or separate ancillary television signal. The examiner has presented no reference to teach any of this. The examiner states that it is well known in the art to selectively provide either the main signal or other ancillary or

ancillary data to the TV display monitor. Applicants claim selective means at the television receiver for providing either the main television signals or the ancillary television signals with the separate television show segment to a display of said television receiver. The examiner has not presented any reference to support his argument with respect to this element. The examiner

argues auxiliary or ancillary data but applicants claim "ancillary television signals" and further "the separate television show segment." The examiner simply has no support for the argument that a separate television signal is selectively displayed at the display of the receiver. If the examiner has such a reference he wishes to rely upon to support his argument, the examiner should present it.

Furthermore, in regard to combining the cited prior art, reference is made to In re Fritch, 23 USPQ2d 1780 and particularly the portion thereof at page 1783 under "Prima Facie Obviousness" where the Court stated:

"In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. '[The Examiner] can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.'"

Clearly, the examiner has not presented any such evidence.

Later the court stated:

"Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so.' Although couched in terms of combining teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious 'modification' of the prior art. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification."

There is nothing in the Dougherty reference to suggest the combination claimed or the desirability of the modification. The examiner's Official Notice is not supported in any way. The whole scheme presented by the applicant is not taught in the reference. The reference does not teach transmitting main television signal and a separate ancillary television signal related to the main television signal and it does not teach how to receive the separate

ancillary television signal and store this ancillary television signal in a cache and selectively display these separate television signals. There is no suggestion of a means for providing ancillary television signals with the separate television show segment related to the main television signal to a display of said television receiver.” There is no suggestion in the cited references of the examiner’s modification.

Clearly, the Dougherty reference does not teach the elements of claim 1 and is not obvious in view thereof.

Claims 2-11 dependent on Claim 1 are deemed allowable for at least the same reasons as Claim 1.

Claim 3 further calls for the ancillary television signals to be broadcasted during the vertical blanking interval. This is not taught in the reference. No ancillary television signals are even sent.

Claim 4 further calls for the television signals to be transmitted over one digital television channel where one of subchannels contains the main television signals and the other subchannels provide the ancillary signals. The ancillary signals are television signals and Dougherty does not teach or suggest ancillary signals that are television signals with separate television segment related to the main television signal.

Claim 5 further calls for the main subchannel carries the control data for commands for updating by removing old sub channel segments and storing new ones. As admitted by the examiner this is not taught or suggested by the Dougherty reference. The examiner has not presented any art to teach this. The examiner has relied upon unsupported Official Notice stating that is well known to send command/control signals using lines in the VBI to manage the cache and well known to update systems by deleting old video/audio segments and replacing it with

new ones. Where is this cache taught in the prior art? Where is deleting and replacing with new video from a cache taught in the prior art.? Applicant's teach receiving and storing in a cache memory the ancillary television signals with the separate television show segment from that is the main signals. This is not taught in the reference or taught in the ATVEF standard. Claim 5 is therefore deemed allowable over the prior art of record.

Claims 10 and 11 call for the main signals and ancillary signals are different parts of a high definition television channel. There is no suggestion of this in Dougherty for the reasons discussed above in connection with claim 1. Nothing in Dougherty suggests that the high definition television channel can be used to support more than one television show or program segment. Only applicant suggests this. It is not seen where this is taught elsewhere. The high definition television receiver receives one television program. Applicant teaches sending a main television program and an ancillary television program when not operating in the high definition mode. Where is this taught in the prior art.

Claim 2 is rejected under 35 U.S.C. 103 (a) as being unpatentable over the Dougherty reference in view of Yasuki et al., U.S. Patent No. 6,285,407; hereinafter Yasuki. It is not seen where Yasuki provides what is missing in the Dougherty reference. Claim 2 is therefore deemed allowable.

It is not seen where the other references cited but not applied references are any more pertinent.

In view of the above applicant's Claims 1-11 are deemed allowable over these references.

An early notice of allowance is deemed in order and is respectfully requested.

If the examiner persists in the rejection, applicant respectfully requests this amendment be entered for purposes of appeal. The amendments made herein are for the purpose of

emphasizing and adding clarity to the patentable features already present in the claimed invention to minimize the issues on appeal.

Respectfully submitted,

Robert L. Troike

Robert L. Troike

Reg. No. 24183

(202) 639-7710

(301) 259-2089